

REMARKS

Upon entry of this amendment, claims 1-4 and 37-40 are all the claims pending in the application. Claims 37-40 are added as new claims. No new matter has been added.

I. Claim Rejections under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1 and 3 under 35 U.S.C. §103(a) as being unpatentable over Ueda et al. (U.S. 6,289,102) in view of Stebbings (U.S. 6,684,199). Applicants respectfully traverse this rejection on the following basis.

Claim 1 recites that the decoding key stored in the key holding means is discarded when it is confirmed that the playback state of the digital medium has changed. Applicants respectfully submit that the combination of Ueda and Stebbings fails to disclose or suggest at least this feature of amended claim 1.

Regarding Ueda, Applicants note that the Examiner recognizes in the Office Action that this reference does not disclose the ability to discard a decoding key.

Regarding Stebbings, Applicants note that this reference discloses a method for authenticating a recording medium, in which predetermined errors that are used as decryption keys are intentionally embedded in the data (see col. 14, lines 60-62 and col. 19, lines 20-24).

For example, as explained in Stebbings in connection with Fig. 14, at steps 71 and 72, CD player #1 is connected to CD recorder #2, wherein playback of CD #1 begins when the CD is inserted into player #1, and recording begins when CD #2 is inserted into recorder #2 (see col. 22, lines 23-27). At step 78 in Fig. 14, it is determined whether the data on CD #1 contains the intentionally embedded predetermined errors (see col. 22, lines 34-36).

If CD #1 does not contain the intentionally embedded predetermined errors, the CD is determined to be fraudulent (see col. 22, lines 36-38). If, however, it is determined that the

data on CD #1 does contain the intentionally embedded predetermined errors, step 81 takes place, as shown in Fig. 16, in which the errors are read and authentication keys are determined (see col. 22, lines 39-41). Next, as shown in step 83 in Fig. 16, the authentication keys are then analyzed to determine whether they are correct (see col. 22, lines 45-48).

If it is determined that the authentication keys are not correct, the CD #1 is determined to be fraudulent (see Fig. 16, steps 84 and 85; and col. 22, lines 50-52). In contrast, if it is determined that the authentication keys are correct, then the predetermined embedded errors are removed, filtering is performed and data can be output from CD #1 (see Fig. 16, steps 86-88; and col. 22, lines 53-58).

In the Office Action, the Examiner has taken the position that the above-noted steps in Stebbings correspond to the feature of discarding a decoding key when it is confirmed that the playback state of the digital medium has changed (see Office Action at page 3). In particular, the Examiner asserts that in Stebbings, "when playback begins decryptions keys are removed" (see Office Action at page 3). Applicants respectfully disagree with the Examiner's position.

In particular, as noted above, claim 1 recites that the decoding key stored in the key holding means is discarded when it is confirmed that the playback state of the digital medium has changed. Thus, according to claim 1, the decoding key is discarded when there has been a confirmation of a change in the playback state of the digital medium.

As noted above, in Stebbings, the playback of the CD begins when the CD is inserted into the player (see col. 22, lines 23-27). Subsequently, the CD is checked for the presence of the predetermined errors/decryption keys, wherein if the predetermined errors/decryption keys are present, then authentication keys are determined (see col. 22, lines 39-41). Next, if the

authentication keys are determined to be correct, then the predetermined errors/decryption keys are removed from the data (see col. 22, lines 53-58).

Thus, in Stebbings, while the predetermined errors/decryption keys are removed during the playback state of the CD, Applicants respectfully submit that the predetermined errors/decryption keys are not removed when there is confirmation of a change in the playback state of the digital medium. In other words, in Stebbings, there is no correlation between the confirmation of the CD entering the playback state and the removal of the predetermined errors/decryption keys. Instead, in Stebbings, the predetermined errors/decryption keys are only removed upon a confirmation that the authentication keys are correct, as explained above.

In view of the foregoing, Applicants respectfully submit that while Stebbings has the ability to remove predetermined errors/decryption keys during the playback state of a CD, that the removal of the predetermined errors/decryption keys in Stebbings does not occur when it is confirmed that the playback state of the CD has changed.

In view of the foregoing, Applicants respectfully submit that the combination of Ueda and Stebbings does not disclose, suggest or otherwise render obvious all of the features recited in claim 1. Accordingly, Applicants submit that claim 1 is patentable over the cited prior art, an indication of which is kindly requested.

Moreover, Applicants note that claim 1 is drawn to a data player having a key holding means for holding a decoding key, wherein the decoding key stored in the key holding means is discarded when it is confirmed that the playback state of the digital medium has changed. Thus, according to claim 1, the decoding key that is discarded is stored in a key holding means of the data player.

In the Office Action, the Examiner has taken the position that, in Stebbings, the removal of the predetermined errors/decryption keys from the data stored on the CD corresponds to the feature of the decoding key stored in the key holding means being discarded. However, as the predetermined errors/decryption keys of Stebbings are clearly not removed from a key holding means of a data player, as set forth in claim 1, Applicants respectfully submit that the Examiner's rejection of claim 1 is improper.

In view of the foregoing, Applicants respectfully submit that the combination of Ueda and Stebbings does not disclose, suggest or otherwise render obvious all of the features recited in claim 1. Accordingly, Applicants submit that claim 1 is patentable over the cited prior art, an indication of which is kindly requested.

Claim 3 depends from claim 1 and is therefore considered patentable at least by virtue of its dependency.

II. Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 2 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

III. New Claims

Claims 37-40 are added as new claims. Regarding claim 37, Applicants note that this claim is similar to claim 1, but recites that "wherein, if it is determined that the playback state of the digital recording medium has changed, then the decoding key stored in the key holding means is discarded." Applicants respectfully submit that the cited prior art does not teach or suggest at least this feature of claim 37.

In particular, as noted above, in Stebbings, while the embedded predetermined errors/decryption keys in the data on the CD are removed during the playback state of the CD, Applicants respectfully submit that there is no correlation between the playback state of the CD being changed and the removal of the predetermined errors/decryption keys.

Accordingly, as Stebbings merely teaches that predetermined errors/decryption keys can be removed during the playback state of the CD, Applicants respectfully submit that Stebbings does not disclose that "if it is determined that the playback state of the digital recording medium has changed, then the decoding key stored in the key holding means is discarded", as recited in new claim 37.

Therefore, Applicants submit that claim 37 is patentable over the cited prior art, an indication of which is kindly requested. Claims 38-40 depend from claim 37 and are therefore considered patentable at least by virtue of their dependency.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Hirotsugu KAWADA et al.

By: Kenneth W. Fields
Kenneth W. Fields
Registration No. 52,430
Attorney for Applicants

KWF/dib
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
May 8, 2006